

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBERT LEE ALLEN)
Plaintiff,)
v.)
AUTauga COUNTY SHERIFF'S) CASE NO. 2:07-CV-982-WKW
DEPARTMENT, *et al.*,) (WO)
Defendants.)

ORDER

On November 2, 2007, the Magistrate Judge filed a Recommendation (Doc. # 5) that plaintiff's claims against the Autauga County Sheriff's Department be dismissed because it is not a legal entity subject to suit under § 1983. Plaintiff filed an objection (Doc. #7.)

The court finds that the recommendation is due to be adopted and the objection overruled because the law is settled that a sheriff's department is not an entity subject to suit or liability under § 1983 and plaintiff presents no meritorious reason why his claims against this defendant should not be dismissed.

After an independent and *de novo* review of the record, it is the ORDER, JUDGMENT and
DECREE of the Court that:

1. The Recommendation (Doc. # 5) of the Magistrate Judge is ADOPTED;
2. Plaintiff's objection (Doc. #7) is OVERRULED;
3. Plaintiff's claims against the Autauga County Sheriff's Department are DISMISSED with prejudice prior to service in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
4. The Autauga County Sheriff's Department is DISMISSED as a party to this cause of

action; and

5. This case is referred back to the Magistrate Judge for appropriate proceedings.

DONE this the 21st day of November, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE